NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 17, 2023

4:10 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

I ask everyone present to please rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT PERSAUD: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT PERSAUD: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 15, 2023, the Senate met pursuant to adjournment. The Journal of Saturday, January 14, 2023, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT PERSAUD: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Madam President.

There is a privileged resolution at the desk. Please take that up, read it in its entirety, and recognize Leader Stewart-Cousins on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 274, by Senator Stewart-Cousins, commemorating the observance of the 38th Annual Martin Luther King, Jr., Day in the State of New York, on January 16, 2023.

"WHEREAS, From time to time we take note of certain individuals whom we wish to recognize for their valued contributions and to publicly acknowledge their endeavors which have enhanced the basic humanity among us all; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing

traditions, it is the custom of this Legislative Body to join the people of this great Empire State in proudly observing the 38th Annual Martin Luther King, Jr., Day in the State of New York, on January 16, 2023, taking note of his many accomplishments and contributions to mankind; and

"WHEREAS, Dr. Martin Luther King, Jr., was born the grandson of a slave into a segregated society in Atlanta, Georgia, on January 15, 1929, and was instrumental in formulating a policy which ultimately destroyed legal apartheid in the southern states of our nation; and

"WHEREAS, In February of 1968, Dr. Martin Luther King, Jr., spoke about the inevitability of his death and hoped that when we spoke of his life, we would not concentrate on his academic achievements: that he graduated from Morehouse College, that he attended the Crozer Theological Seminary and Boston University, where he earned a doctorate in systematic theology; and

"WHEREAS, After returning from Crozer, Dr. Martin Luther King, Jr., delivered his first sermon at Ebenezer Baptist Church in

Atlanta and became the church's co-pastor with his father; and

"WHEREAS, Dr. Martin Luther King, Jr., a truly humble man, also did not find it important that we mention that he won the Nobel Peace Prize and over 300 other awards; and

"WHEREAS, Dr. Martin Luther King, Jr.'s finest legacy of greater social justice for all Americans was truly reflected in his devotion to serve and respect others, and in his steadfast love for all humanity; and

"WHEREAS, Standing in a long line of great American black leaders, Dr. Martin Luther King, Jr., represents the historical culmination and the living embodiment of a spirit of united purpose rooted in Black African culture and the American Dream; and

"WHEREAS, An apostle of peace, Dr. Martin Luther King, Jr., fought unrelentingly for the civil rights of all Americans and taught us that, through nonviolence, courage displaces fear, love transforms hate, acceptance dissipates prejudice, and mutual regard cancels enmity; and

"WHEREAS, Dr. Martin Luther King, Jr., manifestly contributed to the cause of

America's freedom, and his commitment to human dignity is visibly mirrored in the spiritual, economic and political dimensions of the civil rights movement; and

"WHEREAS, In addition, Dr. Martin Luther King, Jr.'s life was devoted to the liberation of his people, and his courage transcended the advocates of mindless retrenchment; and

"WHEREAS, It is the sense of this Legislative Body that the common and shared responsibility of governance demands an irrevocable commitment to the preservation and enhancement of human dignity as exemplified by Dr. Martin Luther King, Jr.; and

"WHEREAS, Upon the occasion of the celebration of the birthday of Dr. Martin Luther King, Jr., it is the practice of this Legislative Body to commemorate the heroic efforts of Dr. King, who loved and served humanity, and who was a drum major for peace, justice and righteousness; and

"WHEREAS, The 2023 Dr. Martin Luther King, Jr., holiday observance marks the 94th anniversary of his birth, and the

38th annual holiday celebrated in the State of New York in his honor; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize and pay tribute to the legendary life and achievements of Dr. Martin Luther King, Jr., upon the occasion of the anniversary of his birth and the celebration of Martin Luther King, Jr., Day in the State of New York and throughout the nation; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Black, Puerto Rican, Hispanic and Asian Legislative Caucus."

ACTING PRESIDENT PERSAUD: Leader Stewart-Cousins on the resolution.

SENATOR STEWART-COUSINS: Thank you, Madam President.

I always look forward to this weekend as kind of a reset, I think for all of us, in terms of how we manage to sit in this amazing place doing the things that Dr. King quite honestly could only dream of. It's a holiday of enduring hope.

As we commemorate the

40th anniversary of the King Holiday being signed into law by President Reagan in 1983, let's not forget that when the idea of this day was brought to the floor of the House of Representatives, only two other individuals had federal holidays reserved for them: George Washington and Christopher Columbus.

It took more than a decade after Dr. King's death in 1968 for lawmakers to appreciate the fabric-changing nature of his life. But it still wasn't until 2000 that all 50 states in the nation celebrated M.L. King Day. And still he stands alone as having the only federal holiday designated for a Black person.

The fight to recognize Dr. Martin Luther King, Jr., Day serves as an important reminder that change never comes easily and progress itself is often contested. Although we've made tremendous gains in the fight that Dr. King championed, we must always remember the immortal saying "The past is never dead even if it's passed."

Today we continue to reckon with the systemic hardships and deeply rooted injustices that still impact Americans throughout our state

and our nation. We remain committed to advancing in these chambers legislation that helps every individual gain a foot on the ladder, while undoing policies which kept them off the ladder in the first place.

We will model grace and integrity in our positions and bear in mind that the good fight is often a difficult one and it's often a lonely one.

It's worth remembering that Dr. King himself wasn't really popular as he waged this battle. We remember his legacy with great endearment now, but just two years before his murder, two-thirds of Americans disagreed with his message.

But he didn't embark on the mission because it was easy, he did it because it was right. Whether it be championing the beliefs that we are all indeed created equal, rooting out our racist laws and policies, marching with leaders and activists in the face of brutality, standing with brothers and sisters everywhere, including those in labor, offering dignity to the many victims of the fight, Dr. King remained steadfast in his principles.

To be only 39 years old and endowed with such courage -- not only to stand up to centuries of codified violence, but to do so with the whole nation against you -- exemplifies a labor of bravery that is so few and far between.

When I look at certainly my conference, and I see so many firsts of their kind, including the youngest Senators, people who I have to tell that Stevie Wonder's birthday anthem is really about Dr. King --

(Laughter.)

SENATOR STEWART-COUSINS: How many people knew that? Did you know that? Yes, I mean, like they just think it's like the Black Happy Birthday song. No.

(Laughter.)

SENATOR STEWART-COUSINS: It really was, because they were trying to -- Steve wanted to push the issue about Dr. King deserving a birthday.

But this -- this amazing, this amazing group of people embodies the vigor and the desire to not only fulfill the dream, but to take action in those spaces where injustice has so long resided.

It's a pressing reminder that we don't do this work because it's easy. We don't take these battles head-on because we think other people will join us. We do it because it's the right thing to do. And in a generation's time, when our grandchildren receive the world that we made for them, we must leave it better for them than the way we found it.

That's exactly what Dr. King did. He fought for justice not only in the moment, but for the dignity and well-being of the future Americans. We live today in the wake of his dream, and again, we're better for it.

But obviously there's still more work to do, and we can't expect that doing things exactly the way they've always been done will yield the necessary progress. It takes bold, thoughtful action to change the powers that be and deliver greater equity, fairer representation, and true accountability for people.

That's why, in the spirit of Dr. King, our legislative body often rebukes old systems that served maybe a privileged few instead of the deserving many. We stand up to

those who cloak themselves in false promises, demand action over words from those with power to make a difference.

Top of that agenda is continuing to stand up for all the people, certainly working people in New York, ensuring that our policies -- our policies around unions, our policy around the lowest-wage workers -- remain strong.

When we talk about the labor unions, Dr. King said the labor movement was the principal force that transformed misery and despair into hope and progress. We cannot defend our basic humanity while large swaths of people are being pilfered. I think of my own father, who after serving in the segregated Army during World War II -- I talk about him all the time: Purple Heart, Bronze Star. When he came home after fighting on behalf of, you know, his nation, he was denied the opportunities that veterans who were his white counterparts had.

What made the difference for us, keeping a roof over our head after he'd served so valiantly, was by being able to join a union. Having that organized protection was the difference between a life of, you know, who knows

what insecurity to a life of at least being able to make sure that we had healthcare and food. It made a difference.

As elected leaders, we hold an awesome responsibility to steer the ship in accordance with the people's will. It took our state nearly 200 years to elect nonwhite men in the highest levels of New York government. And yet Speaker Heastie, Governor Hochul, and myself still stand sort of unique and alone among U.S. states in our historic roles.

I take my position here very seriously. I know that it was made -- not in part, but in total -- by the people who came before me, including my parents. Their great sacrifices -- those who gave up everything had nothing -- to move the needle just an inch. That's why in this office, leading the most diverse Senate conference in the history of our state, I'm committed to moving mountains for those who will come after us.

As we gain momentum, we must continue extending a hand out to the margins of our community, to the people who too often get left behind in the winds of change. We have to

build coalitions on the ground who will rise up through the ranks and assume their own rightful place in power.

We need good-faith actors, not Trojan horses, who will fight for the best interests of our communities and uphold the values they were chosen by. We need the right people in the right places to make change happen in perpetuity.

Dr. King said it best himself, that "Human progress is neither automatic nor inevitable... Every step towards the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals." That's who we are in this chamber. That's what it takes to make change happen.

I wish us all the tireless exertion, the passionate concern required in our legislative duties, and the courage to continue fighting for what's right over what's popular, as we build towards a more perfect New York and a more perfect union for us, for our children, and for our grandchildren, for the possibilities of really achieving the dream that Dr. King saw for

each of us.

So Happy Post-King Day. May we live in that understanding of what his mission was for this day and every day forward.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Madam Leader.

(Applause.)

ACTING PRESIDENT PERSAUD: Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Madam President. Although I don't know how you follow our leader. Quite frankly, you don't, you just speak in your own steps.

And because of the magnificent words that our leader said, sometimes when you speak and sometimes in the church, it comes to you and you've got to change direction. So I'm just going to change direction a little bit and I'm going to begin with a Dr. King quote that "A genuine leader is not a searcher for consensus but a molder of consensus." That is who we have in Andrea Stewart-Cousins. Not just a searcher for consensus, a molder of consensus. No matter what part of the state you may be from, no matter

what your ideology may be, Leader Stewart-Cousins hears what you have to say in a genuine and earnest way. That is the dream that Dr. King wanted us to realize.

You see, I -- I've always had a special relationship with this resolution because it is the very first time that I spoke on the floor as a freshman. And I have not stopped speaking since, Madam President.

(Laughter.)

SENATOR BAILEY: I am -- I am a little verbose from time to time.

But it always strikes me as something worth celebrating.

The Book of James, too, tells us that faith without works is dead. I come directly from the Book of James. My grandfather James was born in 1929, the same year as Dr. King. So I come from the Book of James, you see.

And the faith that Dr. King had was the same faith that my Teamster grandfather had. Speaking about that labor piece, that dignity, the March on Washington was the March on Washington for Jobs and Freedom, Madam President.

That's what Dr. King was speaking about, economic justice and empowerment as well.

So this would have been his 94th birthday -- 94. A long way away from the age of 39 that he was taken from us. And I always marvel at that. I think I reference it in my speech every year, that as I got closer to 39, I wonder what was I doing to level up to what Dr. King -- and now that I'm on the other side of 39, I look back and I see a Nobel Prize winner, I see a civil rights leader, I see an iconic figure at 39 years. But what I've learned, having that 4 in front of my age, Madam President, is that it's not about what I'm doing in relation to Dr. King, it's what am I doing with the message that Dr. King has given to us.

You know, my favorite Dr. King quote is "Life's most persistent and urgent question is, What are you doing for others?" You know, and I see the world through the lens of my daughters. And it's always amazing to see what they're learning in school now. Giada's in third grade, for those of you who haven't heard about her in a while, Carina's in first grade.

And they're learning different

things but they're becoming more rooted and stronger in their convictions about what they're seeing and how important Dr. King was. It's no longer about this is just some dude who we have a day off about. This was somebody who inspired my dad, my family, inspires me.

You know, I realized something about Dr. King this year, is that he is the greatest example that I can think of, of a phrase called nominative determinism. Your name determines your destiny. Usain Bolt was born to be a track star, like he just had to be. Martin Luther King was born to be a king of kings. Nominative determinism. He was sort of like a maestro, that drum major for justice that you heard of.

Speaking of music, there's a conversation that comes from -- in the hip-hop world we talking about sampling, right? When you sample an original track, those of us who are fans of hip-hop, you've heard an original song and then you hear a different version of it afterwards, right? That's sampling, right?

We all know about sampling. It is technically the reuse of a portion of a sound recording in another recording. That's the

technical definition of it. Right? Jay-Z says, "Yeah, I sampled your voice, you was using it wrong. You made it a hot line; I made it a hot song."

So sometimes sampling doesn't always work out. What do I mean by that? Don't sample his voice, don't sample his message, don't sample his quotes if you're not living -- if you're not willing to live by it. Don't quote him if you're not standing up for economic justice and civil rights and labor rights and voting rights and justice. Don't quote him, don't use his voice wrong, because his hot line won't be your hot song. I guarantee that, Madam President.

You know, other sampled works last the test of generations. Those of us who are hip-hop fans, we know that "Good Times" became "Rapper's Delight," "Footsteps in the Dark" became Ice Cube's "It Was a Good Day." Dido's "Thank You" became "Stan" from Eminem. The Isley Brothers -- too many hits -- "Between the Sheets" to "Big Poppa."

But my favorite sample of all time is a song from Tom Scott and the California Dreamers, called "Today." It was sampled by

Pete Rock & CL Smooth -- from "Money Earnin' Mount Vernon," Madam President -- and their song was "They Reminisce Over You."

We reminisce over the memory of Dr. King. We reminisce -- shall I say date back -- 94 years ago, to keep it on track.

Now, the message that some critics of sampling used to have was that nothing can stand up to the original, Madam President. And it -- it's okay. But the original is the blueprint. The original is the original greatness of these songs, of these people, of the culture.

It's okay if you like the sample better, though. Right? Because it's your generation. It's the ear that you listen from. It's the place that you grew up. It's okay to like the sample better, but you have to know the original song.

Now, it's important to clear a sample, right, by giving the original artist credit. And by giving the original artist credit -- Dr. King -- we all owe him credit. We would not be here if not for Reverend Dr. Martin Luther King, Jr., make no mistake about it. From

ASC to Z, from Heastie to Hakeem, we all live the dream.

You know, and I think about the notion of sampling, right, and I think about how generations to come will learn something different about Dr. King each and every year as they study, not just the works that he's -- not just his public work, his theological work as well. Because as a reverend he was also a very deep thinker in the theological world. He said that "Ten thousand fools proclaim themselves into obscurity, while one wise man forgets himself into immortality."

Now, we've all sampled that legacy of Dr. King, from quotes to speeches to political philosophy to even the vibration of his voice when we try to nail what he said. But he's the original. But it's okay to sample, Madam President. His immortality was noted. He was certainly a wise man, but never to be forgotten. That's one thing that we will never forget, his legacy.

Now, to close, I've vacillated between my favorite speeches from Dr. King. It was once "I Have A Dream," but "I've Been to the

Mountaintop" is now my favorite Dr. King speech, because it was more than just a speech. It was prescient, in that it eerily predicted his sad but too-soon departure from this earth.

"Well, I don't know what will happen now. We've got some difficult days ahead. But it doesn't matter with me now, because I've been to the mountaintop. And I don't mind. Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over, and I've seen the promised land. I may not get there with you. But I want you to know tonight, that we, as a people, will get to the promised land. And I'm happy, tonight. I'm not worried about anything. I'm not fearing any man. Mine eyes have seen the glory of the coming of the Lord."

If you're going to quote Dr. King, you don't have to quote that speech. But live by that proverbial mountaintop that he went to and that he saw the good in each and every one of us -- from 63 districts around the state, to the 50 states in the country, to billions of people

around the world.

Madam President, God bless the legacy of Reverend Dr. Martin Luther King, Jr.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Madam President.

First of all, let me start by thanking our leader, Majority Leader Stewart-Cousins, for bringing this important resolution to the floor today as we honor Dr. King, his life, his legacy. I want to thank her for her leadership and her words.

I want to second the sentiment of our colleague Senator Bailey. I want to thank Senator Bailey for those powerful words.

And there's no doubt in my mind that if Dr. King were here today, he would tell us how proud he is of the leadership of this conference, the history-maker that we have among us -- not just what she has brought to this conference, to this state, to this nation, but also how she has done it. So thank you again.

I also think Dr. King would be proud

of so many in this auspicious chamber, including my colleague Senator Bailey. And I think Dr. King would be perplexed on how I'm supposed to follow Senator Bailey and Majority Leader Stewart-Cousins after those incredible speeches.

But I rise today to honor the legacy of Dr. King. As many of you know, it's been a very difficult year in Buffalo and Western New York. On top of the pandemic, which was incredibly heavy in and of itself, we had a racist massacre on Jefferson Avenue in Buffalo that stole 10 lives from us. We had two massive snowstorms that claimed dozens of lives. We had a fire around the holidays that claimed the lives of five precious young children.

And it's felt like blow after blow upon our city and our community. But we are resilient, and we are strong, and this is a new year and a fresh start. And no matter what comes our way, 2022 was proof that we can and we will get through anything together.

I firmly believe that because I've seen the way we as a community -- not just in Western New York, but our state and really our nation and the global community -- comes together

amid tragedy, amid our darkest hours. We respond when people are in need.

The Reverend Martin Luther King said it best: "Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that." And I know that very light and love will carry us forward, uplifting each other regardless of race, creed, color, social class or gender identity.

Dr. King has inspired so many of us to serve others, to fight for fairness and justice, and to stand up for what's right. His words and his actions were never about himself; they were always about improving the lives of others. He never spoke a word or led a fight in pursuit of personal acclaim. He only spoke and thought so that others -- so that our nation -- could have freedom, equality and peace. It's an example we all seek to emulate, a path we must all follow.

As we reflect on Dr. King's life, we reflect on his vision for our nation, his vision of that promised land that Senator Bailey spoke about, that promised land of peace, of equality, of justice. We reflect on the progress we've

made and the road we've traveled, and we see clearly that there's much more work that remains on a long road ahead.

When so many of New York's children are living in poverty and are struggling to excel in school because they're too hungry to worry about reading, writing and arithmetic, it's clear we have more work to do.

When our incarceration rates surge and disproportionately impact people of color, it's clear we have more work to do.

When income inequality grows, economic mobility falls, and the middle class loses its footing, it's clear we have more work to do.

Working men and women of all colors and creeds deserve a level playing field. They deserve a chance to improve the lot of their family, and they deserve a shot at the American dream. It's with this clarity and commitment that we all must unite and renew our pursuit of the promised land that Dr. King had envisioned for our nation.

And I leave you with a few lasting words from Dr. King: "Our lives begin to end the

day we become silent about things that matter." May we never be silent, and may we always have a vision for better days.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President. At the request of the leader, the resolution is open for cosponsorship.

ACTING PRESIDENT PERSAUD: The resolution is open for cosponsorship. Should you choose not to be a cosponsor of the resolution, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: There will be an immediate meeting of the Rules Committee in

Room 332.

ACTING PRESIDENT PERSAUD: There will be an immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:43 p.m.)

(Whereupon, the Senate reconvened at 4:56 p.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, there's a report of the Rules Committee at the desk. Please take that up.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 136, by Senator Krueger, an act to amend the Election Law;

Senate Print 242, by Senator May -- excuse me.

(Pause.)

THE SECRETARY: Senate Print 101, by Senator Ryan, an act to amend the Vehicle and Traffic Law;

Senate Print 177, by Senator Gianaris, an act to amend the Banking Law;

Senate Print 492A, by Senator Comrie, an act to amend the Public Authorities Law;

Senate Print 504, by Senator Rivera, an act to amend the Insurance Law;

Senate Print 564A, by Senator Kavanagh, an act to amend the Banking Law;

Senate Print 599, by Senator Salazar, an act to amend the Insurance Law;

Senate Print 604, by Senator Skoufis, an act to amend the Public Health Law;

Senate Print 608A, by Senator Salazar, an act to amend the General Business Law;

Senate Print 935, by

Senator Kennedy, an act to amend the Real Property Tax Law;

Senate Print 966, by Senator Rivera, an act to amend the Elder Law;

Senate Print 967, by Senator Ryan, an act to amend the Real Property Tax Law;

Senate Print 982, by Senator Brouk, an act to amend the Education Law;

Senate Print 1065, by Senator Mayer, an act to amend the Banking Law;

Senate Print 1144, by Senator Sanders, an act to amend the Banking Law;

Senate Print 1242, by Senator Felder, an act to amend the Vehicle and Traffic Law;

Senate Print 1267, by Senator Breslin, an act to amend the Insurance Law;

Senate Print 1317, by Senator Stewart-Cousins, an act to amend a chapter of the Laws of 2022;

Senate Print 1318, by Senator Breslin, an act to amend the Insurance Law;

Senate Print 1320, by

Senator Breslin, an act to amend the General Business Law;

Senate Print 1321, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 1322, by Senator Hoylman-Sigal, an act to amend the Environmental Conservation Law;

Senate Print 1323, by Senator Bailey, an act to amend the Elder Law;

Senate Print 1324, by Senator Krueger, an act to amend the Public Health Law;

Senate Print 1325, by Senator Sanders, an act to amend the Penal Law;

Senate Print 1326, by Senator Ramos, an act to amend the Labor Law;

Senate Print 1327, by Senator Kavanagh, an act to amend the Election Law;

Senate Print 1328, by Senator Skoufis, an act to amend the Executive Law;

Senate Print 1329, by Senator Thomas, an act to amend the

General Business Law;

Senate Print 1330, by Senator Gounardes, an act to amend the Insurance Law;

Senate Print 1331, by Senator Hoylman-Sigal, an act to amend the Social Services Law;

Senate Print 1332, by Senator May, an act to amend the Real Property Actions and Proceedings Law;

Senate Print 1333, by Senator Comrie, an act to amend the Not-For-Profit Corporation Law;

Senate Print 1334, by Senator Cooney, an act to amend the Real Property Actions and Proceedings Law;

Senate Print 1335, by Senator Hoylman-Sigal, an act to amend the Real Property Law;

Senate Print 1336, by Senator Hoylman-Sigal, an act to amend a chapter of the Laws of 2022;

Senate Print 1337, by Senator Comrie, an act to amend the General Municipal Law;

Senate Print 1338, by Senator Comrie, an act to amend the Administrative Code of the City of New York;

Senate Print 1339, by Senator Palumbo, an act to amend a chapter of the Laws of 2022;

Senate Print 1340, by Senator Brouk, an act to amend the Environmental Conservation Law;

Senate Print 1341, by Senator Ryan, an act to amend the Real Property Actions and Proceedings Law;

Senate Print 1342, by Senator Cleare, an act to amend the Social Services Law;

Senate Print 1343, by Senator Parker, an act to amend the State Finance Law;

Senate Print 1344, by Senator Parker, an act to amend the Public Service Law;

Senate Print 1345, by Senator Parker, an act to amend the Energy Law;

Senate Print 1346, by Senator Parker, an act to amend the State

Finance Law;

Senate Print 1347, by Senator Skoufis, an act to amend the Executive Law;

Senate Print 1348, by Senator Rivera, an act to amend the Social Services Law;

Senate Print 1349, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 1350, by Senator Rivera, an act to amend the Insurance Law;

Senate Print 1351, by Senator Krueger, an act to amend the Criminal Procedure Law;

Senate Print 1353, by Senator Brisport, an act to amend the Social Services Law;

Senate Print 1354, by Senator Skoufis, an act in relation to requiring monthly status reports of community investments;

Senate Print 1355, by Senator Kennedy, an act to amend the Insurance Law;

Senate Print 1356, by Senator Sanders, an act to amend the Urban Development Corporation Act.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT BAILEY: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The report is adopted.

Senator Gianaris.

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 17, Senate Print 644, by Senator Mannion, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 18, Senate Print 645, by Senator Mannion, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside. Lay it aside.

THE SECRETARY: Calendar Number 20, Senate Print 811, by Senator Breslin, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2022.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 21,

Senate Print 812, by Senator Ramos, an act to amend the Social Services Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 22, Senate Print 813, by Senator Liu, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2022.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 22, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 43. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 23, Senate Print 814, by Senator Kennedy, an act to amend the State Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 25, Senate Print 816, by Senator Hoylman-Sigal, an act to amend the General Business Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2022.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 25, those Senators voting in the negative are Senators Borrello, Gallivan, Griffo, Helming, Lanza, Oberacker, O'Mara, Ortt, Rhoads, Stec and Tedisco.

Ayes, 51. Nays, 11.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of today's calendar.

SENATOR GIANARIS: Let's please take up the supplemental calendar now.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 73, Senate Print 504, by Senator Rivera, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 73, voting in the negative are Senators Gallivan and Walczyk.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 75, Senate Print 599, by Senator Salazar, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 75, those Senators voting in the negative are Senators Borrello, Gallivan, Griffo, Helming, Mattera, Murray, Oberacker, O'Mara, Rhoads, Rolison, Stec, Walczyk, Weber and Weik.

Ayes, 48. Nays, 14.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 76, Senate Print 604, by Senator Skoufis, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 77, Senate Print 608A, by Senator Salazar, an act to

amend the General Business Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 79, Senate Print 966, by Senator Rivera, an act to amend the Elder Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of April.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 81, Senate Print 982, by Senator Brouk, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Brouk to explain her vote.

SENATOR BROUK: Thank you, Mr. President.

I wanted to just outline why this bill was so important and why I'm happy that the leadership has chosen to bring it up again this year.

You know, during COVID we learned a lot through crisis and through tragedy, and in some cases we learned where we could do things

better. One of those cases was the way we deal with medications and prescription drugs. Specifically, when there's someone in New York who's in need and needs a specific medication for their own health or to save their life, during our Declaration of Emergency we were able to better fulfill those needs by looking at non-resident pharmacies.

It should be noted that this is something that large corporation pharmacies have always been able to do. But what this declaration allowed during the state of emergency was what small, independent-owned pharmacies could do the same. And what we should realize is that these small independent pharmacies are often serving some of our most underserved communities, whether in city, suburban or rural areas.

So that's what this bill would do. It is taking something that we learned during a tragic crisis, public health crisis in this state, and trying to codify it into law to make sure that more people don't suffer without having this in place.

I want to end with just adding there is no going back to pre-COVID days. As a mother

of a small child, I'm thinking about the "tripledemic" we're dealing with that we've all heard of, RSV -- and I'm seeing the nods -- RSV, flu, COVID. We've had one of the three and I'm hoping not to get the other two.

But the truth is we're never going back to a time before COVID existed, and we're going to continue to deal with supply chain issues, we're going to continue to deal with new viruses and new bacterial infections that we know people are going to need help with.

And so a few days -- a few weeks ago -- I'm healthy, but I found myself in the hospital to deal with something, and the more important piece of this is I overheard the nurse in the emergency room telling a family of a 4-year-old that "This is your prescription for amoxicillin, but I'm not sure you're going to be able to get it, so here's a few other things you should consider."

And I want us all to imagine being with our 3- or 4-year-old sick, in an emergency room, and being told that in the United States of America, in the State of New York, that we don't have every option possible to get you the

medicine that you need.

So I'm really proud to reintroduce this bill. I'm very proud to vote aye. I thank my colleagues for supporting this. But as we move forward and hopefully get this signed later this year, let's remember that 3-year-old. Let's remember the people who are at stake when we don't do everything possible to learn from the tragedy that we just saw over the past couple of years, and do better by New Yorkers.

For those reasons, I vote aye. Thank you.

ACTING PRESIDENT BAILEY: Senator Brouk to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 85, Senate Print 1267, by Senator Breslin, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 85, those Senators voting in the negative are Senators Borrello, Oberacker and Walczyk.

Ayes, 59. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of today's supplemental calendar.

SENATOR GIANARIS: At this time let's move on to the controversial calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 17, Senate Print 644, by Senator Mannion, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Senator Walczyk, why do you rise?

SENATOR WALCZYK: Mr. President, would the sponsor be willing to yield for some questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: In this legislation -- through you, Mr. President -- are we talking about staff at the State Board of Elections or are we talking about a mandate for our local county boards of elections?

SENATOR MANNION: Through you, Mr. President, this legislation is to establish criteria for minimum staffing at all boards of elections at the county level across the state.

SENATOR WALCZYK: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Is this legislation at the request of the Association of Counties in New York State?

SENATOR MANNION: No.

SENATOR WALCZYK: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Did we receive resolutions from any counties out of the 62 counties in the State of New York supporting this legislation?

SENATOR MANNION: Through you, Mr. President, we received no opposition.

SENATOR WALCZYK: Through you, Mr. President, the -- the question was have we received any resolutions --

ACTING PRESIDENT BAILEY: Are you asking the Senator to yield?

SENATOR WALCZYK: Through you, Mr. President, if the sponsor would continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Yeah, the -- the question, Mr. President, through you, was have we received any resolutions from any of New York's 62 counties requesting this legislation or supporting it?

SENATOR MANNION: Mr. President, through you, we received no resolutions supporting nor opposing.

SENATOR WALCZYK: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: How did we arrive at the 4,000 level -- if there's 4,000 people in a county, that requires four full-time staffers?

And then the 2,000 -- or the two per 2,000 formula, how did -- how did you arrive at that?

SENATOR MANNION: Through you, Mr. President, we arrived at the numbers of a minimum of four staff members for every 40,000 active voters in a county as a result of interpretation from the report of a statewide elections hearing that occurred, run by Senator Myrie, that I attended at SUNY ESF in 2021.

And as a result of that, we developed this legislation to make sure that we met minimum staffing criteria based on the number of things and the importance that elections have in this state.

SENATOR WALCZYK: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield? Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So my understanding is that if -- and I just want to make sure that I have this math right. If a

county has 4,000 residents currently, then they are at the four level, but if they go to 40,000 and one, they would require six full-time staffers at the boards of elections? Is that -- is that correct?

SENATOR MANNION: Through you, Mr. President, the number that applies is for every 40,000. Once the threshold of 40,000 active registered voters in a county occurs, that would require four full-time staff.

Once the number of full-time active -- excuse me, the number of registered active voters hit 60,000, that's when it would require an additional two staff members, full-time staff members.

SENATOR WALCZYK: Thank you.

Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: And I know last week we had some discussions about Hamilton

County. There is a practical impact here, and we can get to the mandate of it in a moment.

But take Oswego County, for example, who has eight full-time staffers right now at their boards of elections, in addition to their two commissioners. If Oswego County has a population of 117,000, how many full-time staffers will they have to add to their roster?

SENATOR MANNION: Through you, Mr. President, zero.

SENATOR WALCZYK: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So if Oswego County has eight full-time staff at their board of elections now, and they have 117,000, wouldn't that bring them up to needing a number of 12?

SENATOR MANNION: So through you, Mr. President, the important data point here is the number of active registered voters. And that

number, after our analysis, would be that the board of elections in Oswego County would have to add zero full-time staff members.

SENATOR WALCZYK: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: So it's interesting -- and I -- I appreciate my colleague's answers, and thank you for -- for answering the question on this bill.

It's interesting to me, in reflecting, how we've decided to spend our first controversial bills in this chamber, and which ones we've brought to the floor, especially given the stakes in this chamber.

It's no surprise -- and I know my colleagues across the aisle will remind us a number of times that they have a two-thirds majority in this chamber. And actually down the hall in the State Assembly, they also have a two-thirds majority in that chamber as well, tilted pretty one-sided to one party. Down on the second floor, we have a Governor who is also of the same party.

So imagine being a board of elections commissioner and continuing to see rule changes from the same party that is enjoying large victories and large majorities. Imagine if Commissioner Goodell in the NFL said, We're going to change the rules for next season 200 times; we're going to put in 200 new rules changes. I hope they're signed in the NFL. And good luck, coaches, trying to figure out what rules to play by this season. I bet you would end up with a number of coaches, franchises that are pretty frustrated.

Now imagine if it was Bill Belichick after a Super Bowl getting to decide what rule changes -- and by the way, there's going to be 200 of them, and they're going to affect all the teams that play in the NFL.

Well, I'm glad that the NFL runs -- at least right now -- more fairly than this Legislature. Go Bills! I will vote no and encourage my colleagues to do the same.

ACTING PRESIDENT BAILEY: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell -- oh,

I'm sorry.

Senator Rhoads.

SENATOR RHOADS: I apologize. Thank you. Will the sponsor yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield for a question?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Senator Mannion, what is the definition of an active registered voter?

SENATOR MANNION: That is determined -- through you, Mr. President, that is determined by the -- someone that is on the rolls. And if someone is inactive for a period of time because they have not voted, they come off the rolls.

SENATOR RHOADS: If the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: You did indicate that if a -- if a -- if you have a voter who is inactive, they will eventually be purged from the rolls. Is there any -- anything within this bill that would require that voter to be removed from the rolls?

SENATOR MANNION: Through you, Mr. President, that is a different piece of legislation than -- and there's nothing in this bill, as it sits silent on that.

SENATOR RHOADS: And if the sponsor will yield to one additional question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Has there been a demonstrated problem with boards of elections and staffing that would require us at the state level mandating what could be an issue for local control for individual boards of elections, based upon their own needs?

SENATOR MANNION: Through you, Mr. President, as I stated, I listened to

testimony at a statewide hearing on elections, and a report was developed after that.

And in my in-person witnessing of the testimony that occurred on that day, several times from -- commissioners who represented boards of elections had expressed concerns over staffing.

SENATOR RHOADS: Through you, one additional question. Sorry.

ACTING PRESIDENT BAILEY: That's why I never say that, Senator.

Will the sponsor yield?

SENATOR RHOADS: I never say one. I've got to learn that.

ACTING PRESIDENT BAILEY: Yes.

SENATOR RHOADS: I've got to learn that.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Thank you.

Was there any testimony as to why those commissioners of the boards of elections simply couldn't hire additional staff if they felt the need?

SENATOR MANNION: Through you,

Mr. President. My recollection is that at least in one instance they were concerned with the level of pay of their employees.

SENATOR RHOADS: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: What does this bill have anything to do with the pay that they would receive?

SENATOR MANNION: Well, through you, Mr. President, as many bills sit silent on certain other aspects of the law or certain other areas of local control, this bill does not reference the salary of individuals.

However, that may be something that we pursue another day to assure that we have highly qualified staff within the boards of elections.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: But if the only example that we're able to point to is the testimony from one elections commissioner about the pay that he's able to pay his employees, why are we mandating a specific number of board of elections employees that has -- that has to be retained by individual boards of elections?

SENATOR MANNION: Through you, Mr. President, it was really the comprehensiveness of the report and the fact that that report occurred as a result of testimony across the state. Errors can occur in elections. And when those errors do occur, it is often because of a lack of bandwidth of the boards of elections and the number of employees that they have.

SENATOR RHOADS: Thank you. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Rhoads.

Are there any other Senators wishing

to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I was struck by my colleague Senator Walczyk's comments and point he was making, because I feel the need to educate him that in fact the NFL just changed their rules midstream not two weeks ago when they canceled the Bills-Bengals game and had a meeting of the owners and changed the rules as it relates to home field in the playoffs, something the Cincinnati Bengals were not too happy about.

So the fact is these bodies exist -- in the case of the NFL, their board; in the case of New York State, our Legislature -- to do

exactly what we're doing here, which is set the parameters, set the rules, set the laws for how the state is administered and how our elections are administered.

In fact, if Senator Walczyk had his way, I guess there would be no laws, because the law that's being amended was written by another legislature at some point in history.

And so this is the responsibility of this body. This is why we are here. And as Senator Myrie likes to say, our Majority has taken our election laws from worst in the nation under decades of Republican rule to first in the nation under our Majority.

I'm proud of that and proud to vote in support of this bill, Mr. President.

ACTING PRESIDENT BAILEY: Senator Gianaris to be recorded in the affirmative.

Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Mr. President.

We all want -- we want fair and we want accurate elections. And I appreciate Senator Mannion's bill today. But I fail to see and I failed to receive an explanation as to why

it is that we need to tell local boards of elections their business. There seems to be no prohibition to local boards of elections, if they feel as though they need additional staff, to be able to hire that additional staff.

And again, this is another example of us sort of controlling from the top down and dictating to local boards without knowledge of specific instances in their own counties what they should be doing.

So I'll be voting in the -- in the negative. Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Rhoads to be recorded in the negative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

Once again I rise to talk about the unfunded mandate that this will be on our local boards of elections.

I know our local board of elections commissioners and so forth. In fact, they're in Albany this week to talk about how they can work together to find more efficient ways to deliver

those services, and they do an outstanding job.

In Chautauqua County, my home, they go so far to save money as to print their own ballots because they don't want to spend the money for an outside printer to do so.

They work on shoestring budgets to deliver elections that -- to the best of their ability, that are fair and accurate. And today we take one step further by giving them another mandate without any funding behind it to actually deliver that mandate.

So I'll be voting no also.

Thank you.

ACTING PRESIDENT BAILEY: Senator Borrello to be recorded in the negative.

Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Mr. President. I rise to explain my vote.

As Senator Rhoads said, I too support and want to see fair elections throughout our state.

Our current Election Law leaves staffing-level decisions -- how many staff are needed or required -- to local decisionmakers, and I fully support that. I don't support

stripping away that decision-making from those local officials. That's one of the reasons why I will be voting no.

And the other is something that Senator Borrello just touched upon, that this bill is clearly yet another unfunded mandate on our local boards.

Now, last week when we talked about Election Law, I heard several members of the Majority Conference indicate that they intend to provide funding in the upcoming budget. But based on what I've heard from my commissioners and feedback from others, past funding has been sorely inadequate.

So this bill is likely to be a large expense for our localities, a large unfunded mandate. And I've seen over and over again what happens when the state thinks things are so important and they don't fund them. The responsibility for funding comes down to the property taxpayers. The cost gets passed, it gets shifted to the county; the county shifts it to the property taxpayers.

So for those two reasons and others, I will be voting no.

ACTING PRESIDENT BAILEY: Senator Helming to be recorded in the negative.

Senator Mannion to close.

SENATOR MANNION: Thank you, Mr. President.

A couple of points here, which is that as was articulated last week by Senator Mayer, last year we fought for and secured $2 million in the budget to help alleviate some of the pressures that were occurring at local boards of elections and, in some instances, some of the smaller counties.

I will say also that just a few years ago I stood in front of a classroom of students -- in fact, it was 2020. I probably wouldn't be here if it hadn't been for a previous election, which was in 2016. And at that time I stood in front of a classroom of students who had witnessed a presidential election cycle unlike any I had ever seen in my lifetime.

One problem with that, in teaching a bunch of 16-year-olds and having children that were 16, was that was really the only presidential election that they had witnessed in their lifetime that they could comprehend.

And during that time a phrase was used in 2016, which was that an election was illegally stolen from a candidate. It's the first time I had heard that phrase and any credibility or support behind it. And it was illegally stolen from Ted Cruz in the Iowa caucuses.

Here we sit, seven years later, with secretaries of state being threatened to find 11,000 votes, and vice presidents of the United States are threatened to be assassinated.

So I believe that setting a minimum staffing criteria for the boards of elections that hold up our democracy is not only necessary, it's essential. And we can go along with passing this legislation. I will vote aye. I encourage everyone to do so.

And I also encourage everyone to push back against the false narrative that elections are not free and fair, and to reject the toxic messaging of voter fraud that is paralyzing our country.

I proudly vote aye.

ACTING PRESIDENT BAILEY: Senator Mannion to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 17, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 18, Senate Print 645, by Senator Mannion, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Senator Walczyk, why do you rise?

SENATOR WALCZYK: Thank you, Mr. President. Nice to speak to you again.

Would the sponsor yield for some questions.

ACTING PRESIDENT BAILEY: Long time no speak.

Senator Mannion, would you like --

will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President, how many people per capita in New York State have demonstrated experience in election administration or other public management, operations, or administrative experience in the public, nonprofit, or private sector?

SENATOR MANNION: Through you, Mr. President, this is the least popular game show in the history of the State of the New York Senate. I have no idea.

SENATOR WALCZYK: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I asked the -- I asked the question because this is a

qualification written out in your bill between lines 7 and 10. And to shorten it up, you've gotten a pretty narrow definition here for what the qualifications are. You're significantly narrowing the definition for what's required of an elections commissioner.

I'm wondering if consideration was given and if you can give anything back to this body for how many New Yorkers exist that would meet the qualifications as you've -- as you've written them here.

SENATOR MANNION: Through you, Mr. President, what's set forth in the bill is that the Board of Elections would establish criteria so that elections commissioners would be of a certain level, of a certain quality.

And those qualifications are not necessarily extensive. All that is listed in the bill, if I understood the Senator's question correctly, would be that an individual would be a registered voter, they would be enrolled in a party, they would be a nonholder of public office. Those who meet that criteria.

And then what the bill sets forth is that an individual that would serve as elections

commissioner would have some minimum level of criteria that would be set by the Board of Elections of New York State.

SENATOR WALCZYK: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Yeah, the narrow set of qualifications that I'm looking to zero in on here isn't something that we're giving over to the State Board of Elections to figure out at a narrow date. It's what you've written in this bill here as a qualification: Needing to demonstrate experience in election administration or other public management, operations, or administrative experience in the public, nonprofit, or private sector.

I'm simply looking to get a feel for how many people have one of those things on their resume in New York State.

SENATOR MANNION: Through you,

Mr. President, if I'm understanding the correct section of the bill, this would be qualifications that a current elections commissioner would have, and therefore allow them to continue in that role, which they would be grandfathered in for that term. But beyond that, that would allow them to meet that minimum criteria.

SENATOR WALCZYK: Thank you. And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I -- I appreciate that -- that response. And it's good to know that at least the -- the current commissioners that we have existing now have that on their resume and will still continue to qualify at least for that.

In line 15, what skills specifically -- and you -- you line out the skills required. What skills would someone have to have in order to be a commissioner of a board

of elections in New York State?

SENATOR MANNION: Through you, Mr. President. I should include that this list are just -- this list is just examples of possibilities of having administrative qualities. But it's meant to be more expansive than that. These are just a list of certain attributes that may be helpful in showing that an individual would be a good administrator.

And therefore, these also are examples that are set forth towards the New York State boards of elections in determining what criteria might be helpful for an individual that ends up being an elections commissioner.

Remember that the New York State boards of elections are represented by both Democrats and Republicans, and they would have to come to a consensus, a reasonable consensus of the minimum criteria that individuals who would serve as elections commissioner would need.

SENATOR WALCZYK: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Yeah, I understand this isn't a direct prescription. Such qualifications shall -- shall be prescribed by the board only after consideration of skills and knowledge.

And it specifically -- through you, Mr. President, the definitions as you've written them here, with -- with a purpose, I would imagine -- the definition of skill, what skills did you have in mind for the Board of Elections to consider?

SENATOR MANNION: Through you, Mr. President, this is supposed to be expansive. We want people of quality who would be running boards of elections. And I think by and large, if we went across the state right now, we would find that that is happening. So it really is open-ended, and these are examples that are written.

As far as the skills that go, I've already articulated that we need somebody who can manage a budget. We need somebody who has

administrative skills, that can oversee staff. And currently there is a process in case that doesn't happen, but this sets the minimum criteria. And it would be set by the Board of Elections.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: In the same line, line 15, you mention knowledge. What knowledge would someone have to display to the Board of Elections in order to become a commissioner in New York State?

SENATOR MANNION: Through you, Mr. President, that would be determined by the New York State Board of Elections in a bipartisan manner.

SENATOR WALCZYK: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Do you imagine there would be a -- a test of knowledge or of skill?

SENATOR MANNION: Through you, Mr. President, that would be determined by the New York State Board of Elections in a bipartisan manner.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Why -- why would we want Board of Elections working on this with a deadline that is in an election year where this chamber is all up for reelection?

SENATOR MANNION: Through you,

Mr. President, I believe that there is no correlation between the date that is set and an election date. It is merely to provide time enough for the Board of Elections to develop that criteria and also to allow current elections commissioners, who probably would already meet that criteria, to continue to serve.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So on line 3 of this bill, it says no later than December 31, 2024. That would be the year that we're all up -- I'll ask again. Why would we want Board of Elections to be working on creating a process here that has new requirements for commissioners of the boards of elections in an election year where this chamber is all up for reelection?

SENATOR MANNION: Through you, Mr. President. That would be after the time of

the election in November. So I'm not sure.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MANNION: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: When would this -- if this is signed into law, when would this law go into effect?

SENATOR MANNION: Through you, Mr. President, I believe the law would go into effect immediately, if I remember correctly. That the Board of Elections would start to develop that criteria, and then it would -- the part regarding the minimum criteria that's established by the Board of Elections would be initiated in December of 2024.

SENATOR WALCZYK: Thank you, Mr. President. On the bill.

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: So on that last

piece, Mr. President, I think it's somewhat problematic to talk about changing the rules or the requirements for what a board of elections commissioner -- what the qualifications are for a board of elections commissioner in a year -- which is 2024, and they would have to complete this process, I understand, after Election Day in 2024. No later than, so they're absolute.

And not that government doesn't always move quickly; in this case, they may. But no later than the end of December in 2024, which is the year that this chamber is up for reelection in our -- in our two-year term. Which I think could be problematic.

But I don't believe -- overall, I've got a problem with this piece of legislation because I don't believe that we should be creating a political class of boards of elections -- of individuals that are commissioners.

We need public servants who have qualifications like integrity, enfranchisement in their heart, fairness in their soul. And I reject the idea that county commissioners are unqualified, need to be better test takers, need

to meet requirements that Albany requires of them.

For over 200 years, this system has worked well. And I think if -- you know, hearing the thoughts of my colleague in his -- in his last speech about changing Election Law, yeah, I think you're -- you're absolutely right to point out that we need to encourage people to know that there's a fair system.

One way that you can undermine the idea that our elections are free and fair currently is to say our board of elections commissioners in New York State are unqualified, and that's why we have to change the law, in order to make sure that they're fully qualified to do their job. Well, that doesn't give people a lot of faith.

I have a lot of faith in the hard job that our elections commissioners do. I think we'd make that job a lot easier if we didn't change the Election Law 200 times a year so they're always scrambling to figure it out. And there's now a list of qualifications that we're going to prescribe in this chamber or we're going to delegate to the State Board of Elections

that's going to change that fact.

So with that said, Mr. President, I'll be voting no, and I encourage my colleagues to do the same.

ACTING PRESIDENT BAILEY: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 18, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 20.

ACTING PRESIDENT BAILEY: The bill

is passed.

The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 76, Senate Print 604, by Senator Skoufis, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Senator Ashby, why do you rise?

SENATOR ASHBY: Thank you, Mr. President. Will the sponsor yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR ASHBY: Through you, Mr. President, are there any active state importation programs up and running right now?

SENATOR SKOUFIS: Through you, Mr. President, I count seven states that have pending programs where the state legislatures have enacted similar importation programs that are waiting for federal approval.

SENATOR ASHBY: Through you, Mr. President, will the sponsor continue to

yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR ASHBY: What type of funding does a program like this require? And is it enumerated in this bill?

SENATOR SKOUFIS: Through you, Mr. President, this is cost-neutral to the taxpayers. Any revenue that would be needed for the operations of this importation program would come from the wholesaler fees.

SENATOR ASHBY: Thank you, Mr. President. Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR ASHBY: Through you, Mr. President, has DOH been consulted at all with the implementation of this bill?

SENATOR SKOUFIS: Through you, Mr. President, I have not personally had conversations. I can't speak for the other stakeholders who have been involved.

But I can point -- you know, context is important here. And I want to thank the 19 colleagues from across the aisle who supported this bill last session.

There's significant Republican history to this proposal in the sense that the U.S. Congress passed enabling legislation in 2003, signed by then President George Bush. The Trump administration actually were the ones that enacted the final rule-making to the federal program here.

And I'll point to a recent statement from the Florida secretary of health, the equivalent of what we have here at the DOH, who noted -- Republican-appointed -- in most if not all cases the drugs that we're looking at importing are at least 50 percent less expensive than prescriptions they could find in the United States.

And so, you know, I would -- now, look, I would just point my colleague to what

could be the motivation of the opponents here, and really there's only one, and that's the domestic drug manufacturers. One can only wonder why they would oppose this bill.

SENATOR ASHBY: Thank you, Mr. President. Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR ASHBY: Through you, Mr. President. To -- to that point, it's my understanding that the federal rule only allows for importation from Canada. Is that correct?

SENATOR SKOUFIS: Through you, Mr. President. As it stands right now, that is correct.

There's nothing in the federal law that was enacted that limits the importation to strictly Canada. That's what the FDA has -- the parameters they've set up. As it stands right now, there's nothing that stops them from tomorrow or next month expanding that list of

eligible countries.

SENATOR ASHBY: Through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR ASHBY: Through you, Mr. President. Has Canada, to your knowledge, expressed any reserve or concern about their supply and being able to fulfill these orders?

SENATOR SKOUFIS: Through you, Mr. President, it is my understanding that Canada has expressed some reservation about importation programs like this. I -- I don't know exactly the details or what make up that reservation.

But certainly, you know, it's our job to look out for New Yorkers, and I respect that the Canadian government might have different priorities.

SENATOR ASHBY: Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank

you, Senator Ashby.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 76, those Senators voting in the negative are Senators Borrello, Gallivan, Lanza, Stec and Walczyk.

Ayes, 57. Nays, 5.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Is there any further business at the desk?

ACTING PRESIDENT BAILEY: There is

no further business at the desk.

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, January 18th, at 11:00 a.m.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Wednesday, January 18th, at 11:00 a.m.

(Whereupon, at 5:45 p.m., the Senate adjourned.)